

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13125, of Margaret Weaver, et. al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48, to continue to operate a parking lot in an R-2 and C-1 District at the premises 3820-26 McKinley Street, N. W., (Square 1859, Lots 49, 50, 51 and part of 92).

HEARING DATE: January 16, 1980

DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. The subject property is located on the south side of McKinley Street, in the R-2 and C-1 Zone Districts at premises known as 3820-26 McKinley Street, N. W.

2. The subject site is approximately 17,875 square feet in area, and is improved with a parking lot currently operated pursuant to BZA Order No. 12424 dated August 25, 1977, and Certificate of Occupancy No. B-102804.

3. The applicant proposes the continuation of the facility as a parking lot for a period of ten years.

4. The lot accommodates approximately thirty-four vehicles, and is an attendant facility. The hours of operation are from 9:30 A.M. to 9:00 P.M., Monday through Saturday, with an attendant on duty from 10:00 A.M. to 6:00 P.M., Monday through Thursday and 10:00 P.M. to 9:00 P.M. on Friday and Saturday.

5. The lot is located at the rear of the commercial establishment in the 5500 block of Connecticut Avenue, which include People's Drug Store, Chevy Chase Liquors, Drug Fair, a sub shop, Schupp's Bakery and Boukas Florist. The lot serves as accessory parking for those businesses. The lot is located within 200 feet of the commercially zoned properties it serves.

6. The applicant testified that a majority of the retail establishments are open on Sundays, and do utilize the lot as an unattended facility, as there are no Sunday deliveries or normal weekday traffic.

7. There is no charge for parking at this facility. It serves as accessory parking for the above mentioned commercial corridor.

8. The lot complies with all of the conditions of the prior order of the Board and with all of the requirements of Article 74 of the Regulations.

9. The Department of Transportation, by report dated February 1, 1980 offered no objection to the continued use of the site for accessory customer parking provided the Board condition the grant on the applicant's posting clearly visible one way entrance signs from McKinley Street. The Dot further, recommended that the Board request the applicant to strictly enforce the requirement, as two-way traffic at this entrance causes severe congestion and accident potential. The Board finds that the requests of the Department of Transportation are not unreasonable, and hereby incorporates them as a condition of this application.

10. Advisory Neighborhood Commission 3-G by letter dated January 9, 1980, offered objections to the application unless the conditions stipulated in the Board's prior Order No. 12424, remain as a part of the grant in this case. The Board finds that the conditions of the prior Order are to be maintained.

11. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINIONS:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that given the consideration of location of the lot, its design, and the nearby commercial uses which it serves, the continuation of this parking facility will not be objectionable because of noise, traffic or other objectionable conditions. The lot serves as accessory parking to the directly adjacent commercial strip and is therefore necessary and convenient to the facilities it proposes to serve. The application complies with the provisions of Article 74. Accordingly, it is hereby ORDERED that this application is hereby GRANTED subject to the following CONDITIONS:


1. Approval shall be for a period of five years from the date of expiration of the last Certificate of Occupancy.
2. The applicant shall post clearly visible one-way

entrance signs and provide clear pavement markings restricting the access from McKinley Street to inbound traffic only. The applicant's attendant shall help to enforce that limitation.

3. The fence at the rear of said lot shall be kept in a good state of repair.
4. The lot shall be inspected and policed on a daily basis in order to prevent the accumulation of trash, bottles, and other debris.
5. The pavement shall be resurfaced as necessary in order to repair all broken pavement.
6. The parking lot shall be lined and parking spaces marked off.
7. The area along McKinley Street shall be kept trimmed and mowed in a neat appearance.
8. The applicant shall maintain the additional landscaping required in the Board's previous order.

VOTE: 4-0 (Connie Fortune, William F. McIntosh and Leonard L. McCants to grant; John G. Parsons to grant by proxy; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 14 APR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTH AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.